

BOARD OF APPEALS CASE NO. 5312

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BEFORE THE

APPLICANT: Ashley, Inc.

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ZONING HEARING EXAMINER

**REQUEST: Modification of Case Nos. 3686,
4250 and 5096 to increase patient beds from
80 to 85; 800 Tydings Lane, Havre de Grace**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 12/11/02 & 12/18/02

HEARING DATE: January 27, 2003

Record: 12/13/02 & 12/20/02

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Ashley, Inc., is requesting a modification of the special exception granted in Board of Appeals Cases 3686, 4250 and 5096, pursuant to Sections 267-52B and 267-52C of the Harford County Code, to increase the number of beds from 80 to 85 in an AG/Agricultural District.

The subject parcel is located at 800 Tydings Lane, Havre de Grace, Maryland 21078 and is more particularly identified on Tax Map 59, Grid E1-F1, Parcel 11, 6, 9. The parcel consists of 42± acres, is zoned AG and is entirely within the Sixth Election District.

The property has somewhat of a unique zoning history which the Hearing Examiner summarizes here:

1981- Case 2800: Ashley, Inc. is granted a conditional use for a 50 bed, residential alcoholic rehabilitation and therapy center

1986 - Case 3401: Applicant is permitted to expand its use to include 10 additional beds

1989 - Case 3686: Applicant is granted a special exception and allowed to expand to 60 beds.

1992 - Case 4250: Applicant is permitted to phase in an increase in beds from 60 to 80 over a 6-year period

2001 - Case 5096: Applicant is permitted to modify its site plan to alter traffic flow and to erect a new structure on the site.

FINDINGS OF FACT:

Mr. David Kenneth Beyer appeared and testified that he was a member of the Board of Directors of Ashley, Inc. Ashley, Inc. has operated an alcohol rehabilitation and treatment center on the subject site since 1983. The facility is operating at 100% capacity and demand in the community for these services remain higher than can be accommodated by existing facilities. The Applicant has determined that 5 additional beds can be added without any additional construction, only internal reconfiguration. No additional staff or parking is requested or necessary to add 5 patient beds and the witness did not think there would be any impact to any other property as a result of approval.

Mr. Anthony McClune appeared as Acting Director of the Department of Planning and Zoning. Mr. McClune agreed that 5 beds could be added to this facility without creating any additional impacts. No additional staff is required or requested; no additional operating hours or parking is required or requested. The services to be provided are the same as they have been since 1983. The Department of Health has determined that the existing septic and water supply systems should be adequate to accommodate the additional 5 patient beds although McClune still recommends that a final approval by the Department of Health be a condition of the approval to expand to 85 beds.

Mr. Griffith Davis, an adjacent property owner appeared in opposition to the request. Mr. Davis was concerned that the existing driveway may not be entirely owned by the Applicant and intimated that there was an existing court action in this regard. Mr. Davis did not, however, offer any connection between the current request and the pending judicial action.

CONCLUSION:

The Applicant is requesting a modification of the special exception granted in Board of Appeals Cases 3686, 4250 and 5096 pursuant to Sections 267-52B and 267-52C of the Harford County Code, to increase the number of beds from 80 to 85 in an AG/Agricultural District.

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The Hearing Examiner was presented absolutely no evidence that would lead to the conclusion that this request, if approved, would have any visible impact to adjacent properties or the neighborhood of any kind. There is a clear need in the community for additional treatment facilities. Consequently, the Hearing Examiner recommends approval of the request, subject to the following conditions:

1. The Applicant obtain any and all necessary permits and/or inspections.
2. The Applicant obtain from the Harford County Health Department its written approval of the increase from 80 to 85 beds.

Date FEBRUARY 10, 2003

William F. Casey
Zoning Hearing Examiner